

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION  
VENUE: SAN JOSE

FILED

MAY 10 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

NAM NGUYEN,  
JIMMY NGUYEN,  
HUY NGO, AND  
KIM MAI

CR 07 0289

RMW HRL

~~SEALED  
BY COURT ORDER~~

DEFENDANT.

## INDICTMENT

21 U.S.C. Sections 846, 841(b)(1)(C) - Conspiracy to Possess with Intent to Distribute  
and to Distribute MDMA

21 U.S.C. Section 841(a), (b)(1)(C) - Possession with Intent to Distribute MDMA

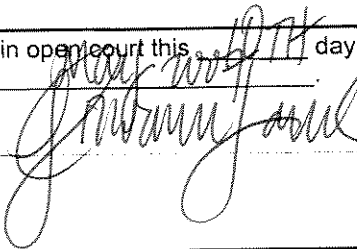
21 U.S.C. Section 843(b) - Use of a Communications Facility to Facilitate Drug Trafficking

A true bill.



Foreman

Filed in open court this 10th day of May



Clerk

Bail, \$

no bail set

CO-CLERK  
1.e  
DISTRICT COURT  
CRIMINAL DIVISION

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

**FILED**

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CLERK, U.S. DISTRICT COURT  
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**SEALED  
BY COURT ORDER**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**RMW HRL**

**CR 07 0289**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAM NGUYEN,  
JIMMY NGUYEN,  
HUY NGO, and  
KIM MAI,

Defendants.

No.

VIOLATIONS: 21 U.S.C. §§ 846,  
841(b)(1)(C) – Conspiracy to Possess With  
Intent to Distribute, and to Distribute, 3,4  
methylenedioxymethamphetamine  
(MDMA); 21 U.S.C. §§ 841(a), (b)(1)(C) –  
Possession with Intent to Distribute 3,4  
methylenedioxymethamphetamine  
(MDMA); 21 U.S.C. § 843(b) – Use of a  
Communications Facility to Facilitate Drug  
Trafficking

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 846, 841(b)(1)(C) – Conspiracy to Possess With Intent to  
Distribute, and to Distribute MDMA)

Beginning at a time unknown to the grand jury, but no later than September 2006,  
through on or about September 29, 2006, in the Northern District of California, the defendants,

NAM NGUYEN;  
JIMMY NGUYEN; and  
HUY NGO,

did knowingly and intentionally conspire with others known and unknown to distribute, and

possess with intent to distribute, a Schedule I controlled substance, namely, 3,4 methylenedioxymethamphetamine (MDMA), in violation of Title 21, United States Code, Sections 846, 841(b)(1)(C).

COUNT TWO: (21 U.S.C. §§ 841(a), (b)(1)(C) – Possession with Intent to Distribute MDMA)

On or about September 29, 2006, in the Northern District of California, the defendant,

NAM NGUYEN

did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, namely, approximately 596.5 grams of a mixture and substance containing a detectable amount of 3,4 methylenedioxymethamphetamine (MDMA), in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C).

COUNT THREE: (21 U.S.C. § 843(b) – Use of a Communications Facility to Facilitate Drug Trafficking)

On or about September 23, 2006, in the Northern District of California, the defendant,

KIM MAI,

did knowingly use a telephone to facilitate a felony drug trafficking offense to wit: distribution

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of 3,4 methylenedioxymethamphetamine, in violation of Title 21, United States Code, Section 843(b).


DATED: *May 10, 2007*

A TRUE BILL.

  
FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

  
MARK L. KROTOSKI  
Chief, Criminal Division

(Approved as to form: )  
AUSA JERICH

AO 257 (Rev. 6/78)

FILED

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

21 USC 846, 841(b)(1)(C)  
 21 USC 841(a)(1) (b)(1)(C)  
 21 USC 843(b)

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

SEALED  
 BY COURT ORDER

## PENALTY:

Ct. 1: max term 20 yrs; sup. rel. 3 yrs.; \$1,000,000 fine;  
 \$100 special assessment  
 Ct. 2: same as Count 1  
 Ct. 3: max term 4 yrs.; sup. rel 1 yr.; \$250,000 fine; \$100 s.a.

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
 Drug Enforcement Administration

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW  
 DOCKET NO.

MAGISTRATE  
 CASE NO.

Name and Office of Person  
 Furnishing Information on  
 THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
 (if assigned) Susan R. Jerich

Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

Nam Nguyen, Jimmy Nguyen, Kim Mai &amp; Huy Ngo

DISTRICT COURT NUMBER

CR 07 0289

## DEFENDANT

## IS NOT IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
 been filed?

☐ Yes  
☒ No

If "Yes"  
 give date  
 filed

DATE OF  
 ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED  
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\*

☒ WARRANT Bail Amount: under seal/no bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: